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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re: MADELENE REYES ALICEA

Case No.: 13-01676 MCF

XXX-XX-0396

Chapter 13

Debtor

**TRUSTEE'S OBJECTION TO CLAIM NO. 9 FILED BY
DENIS DAUMONT FERNANDEZ**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

1. On July 11, 2014, a year after the bar date to file his claim elapsed, Creditor Denis Daumont Fernández, filed a proof of claim as an unsecured priority creditor for the amount of \$6,640.49. Proof of claim no. 9.

2. The Trustee notes, however, that Mr. Daumont was not included as a creditor in the case and, consequently, did not receive due notice of the bar dates to file his claim. See Dockets no. 1, 6 and 7. The Trustee also notes that Debtor has not objected said claim.

3. Taking into consideration the aforementioned, the Trustee will not raise the issue of the claim being filed after the allowed time. Notwithstanding the aforementioned, the Trustee hereby objects proof of claim No. **9** filed by Denis Daumont since he claims that his account receivable, monies owed because of alleged damages caused by Debtor to private property, are to be classified as an unsecured claim with priority status claim under 507 (a)(4), 507 (a)(7) and Other: 507 (a)(____) (sic) of the Bankruptcy Code. Two of the aforementioned Sections of the Code, 507 (a)(4) and (7) do not apply to creditor since they respectively pertain to "wages, salaries or commissions up to \$12,475.00 earned within 180 days before the case was filed or the debtor's business ceased, and up to \$2,775.00 worth of deposits toward purchase, lease, or rental or services for personal, family, or household use." In the other

checkbox marked identified as Other, Debtor failed to specify the section of the Code that would apply to his debt.

4. In light of the aforementioned, the Trustee hereby requests that the Court enter an Order reclassifying claim 9 from an unsecured priority debt to one wholly unsecured.

WHEREFORE, by reason of the foregoing, the Trustee respectfully prays that this Court enter an Order reclassifying claim 9 from an unsecured priority debt to one wholly unsecured.

NOTICE IN COMPLIANCE WITH LBR 9013-1 (h)

Claimants and Parties in Interest please be advised that: within **14 days** after service as evidenced by the certification, and an additional 3 days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall file and serve an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, in interest of justice requires otherwise. If you file a timely response, the Court may – in its discretion– schedule a hearing.

AFFIDAVIT OF MILITARY SERVICE: Attached is an affidavit in compliance with LBR 9013-1(c)(3) and Section 201(b)(1)(B) of the Service Members Civil Relief Act [50 App. U.S.C.A. § 521(b)(1)(B) *Protection of service members against default judgments* or SCRA] The Trustee certifies that he is unable to determine whether or not the claimant(s) is/are or not in military service.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served on the same date it is filed to: the Claimant DENIS DAUMONT FERNANDEZ by first class mail to **PO BOX 344 CAGUAS, PR 00726**. The Trustee also served a copy of this Motion to Debtor and his Counsel to the addresses available in record.

In San Juan, Puerto Rico this **18th** day of April 2016.

/S/Nannette Godreau Vázquez
USDC NO. 227310

JOSE R. CARRION
CHAPTER 13 TRUSTEE

P.O. Box 9023884,
Old San Juan Station,
San Juan, P.R. 00902-3884
Tel (787) 977-3535
FAX (787) 977-3550

13-01676-MCF

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION
PO BOX 9023884, OLD SAN JUAN STATION
SAN JUAN, PR 00902

MARIA DE LOS ANGELES GONZALEZ, ESQ.
US POST OFFICE & COURTHOUSE
300 RECINTO SUR ST., SUITE 109
OLD SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILL*
PO BOX 193677
SAN JUAN, PR 00919-3677

MADELENE REYES ALICEA
PO BOX 6623
CAGUAS, PR 00726

DENIS DAUMONT FERNANDEZ
PO BOX 344
CAGUAS PR 00726

DATED: April 18, 2016

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OFFICE OF THE CHAPTER 13 TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re: PEDRO DIAZ RODRIGUEZ SUSANA M SOTO FIGUEROA XXX-XX-2395 XXX-XX-6784 Debtors	Case No.: 13-07966 MCF Chapter 13
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AFFIDAVIT PURSUANT TO
50 App. U.S.C.A. § 521(b)(1)(B)
UNABLE TO DETERMINE DEFENDANT'S MILITARY STATUS

José R. Carrión, Chapter 13 Trustee, appointed to this case declares under penalty of perjury the following:

1. The Trustee, on this same date, is filing an objection to proof of claim No. **5** filed by an individual named **ROBERTO GALINDO RIVERA.**
2. The Trustee hereby certifies that he is unable to determine whether or not the claimant is, or not, in military service.
3. This affidavit is in compliance with LBR 9013-1(c)(3) and Section 201(b)(1)(B) of the Service Members Civil Relief Act [50 App. U.S.C.A. § 521(b)(1)(B) *Protection of service members against default judgments* or SCRA].

In San Juan, Puerto Rico this **18th** day of April, 2016.

/S/Nannette Godreau Vázquez
USDC NO. 227310

JOSE R. CARRION
CHAPTER 13 TRUSTEE
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Old San Juan Station,
San Juan, P.R. 00902-3884
Tel (787) 977-3535
FAX (787) 977-3550